



RESIDENTIAL LESSEE HANDBOOK



DEPARTMENT OF HAWAIIAN HOME LANDS

This handbook was created to provide residential homestead lessees with basic information on the roles, responsibilities and internal processes the Department of Hawaiian Home Lands (DHHL) follows. This handbook will also help lessees to understand, and comply with, the administrative rules governing DHHL, and the lease document terms and conditions.

This handbook is for general reference only and is not to be used as a replacement to the lease document, the administrative rules, or the Hawaiian Homes Commission Act.



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EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

Aloha nō kākou:

It is my pleasure to write this introduction to the *Residential Lessee Handbook* because it contains valuable insights from the Department of Hawaiian Home Lands to address the needs of native Hawaiian communities.

We hope to provide our emerging leaders of tomorrow with the support, resources and information they need to fulfill the vision of Prince Kūhiō. This handbook will be a useful tool in accomplishing that goal, as we move forward in building and strengthening communities around the state.

I truly believe native Hawaiians represent the heart and soul of our state, and their communities must flourish for the good of all our people.

Please accept this handbook with my aloha, gratitude and well wishes.

A handwritten signature in black ink, appearing to read "L. Lingle".

Linda Lingle
Governor, State of Hawai'i

LINDA LINGLE
GOVERNOR
STATE OF HAWAII



MICAH A. KANE
CHAIRMAN
HAWAIIAN HOMES COMMISSION

BEN HENDERSON
DEPUTY TO THE CHAIRMAN

KAULANA H. PARK
EXECUTIVE ASSISTANT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879

HONOLULU, HAWAII 96805

Aloha nō kākou:

It is an honor for me to introduce the Hawaiian Home Lands Residential Lessee Handbook because it represents the work and commitment of the Hawaiian Homes Commission and our department to the beneficiaries of the Hawaiian Homes Commission Act of 1920.

Created by department employees, this handbook offers helpful information and advice on the Department of Hawaiian Home Lands' (DHHL) processes and services offered to our native Hawaiian lessees.

This handbook was developed to empower our existing homestead communities and we encourage you to support and engage your community association and DHHL to continually make our homelands a better place. It is through your aloha, passion, and support that our homelands continue to grow better and stronger.

We look to the future with renewed optimism and determination because we know the future is in our own hands.

Aloha and mahalo,

Micah A. Kane, Chairman
Hawaiian Homes Commission

PART ONE

Leases to native Hawaiians

In order to qualify for a new lease award on Hawaiian Home Lands, you must be at least 50% native Hawaiian, and be 18 years of age.

The lease is a document that lists your rights and duties as a homesteader and conditions under which you may use the land. As a lessee, you will be leasing the property for a time period of 99 years. The cost of the lease is \$1.00 per year. When the expiration of the 99-year term of your lease approaches, you will have the option of extending the lease for an additional 100 years at the same rent or to surrender the lot back to DHHL.

HISTORY OF DHHL

The Department of Hawaiian Home Lands is governed by the Hawaiian Homes Commission Act of 1920, enacted by the U.S. Congress to protect and improve the lives of native Hawaiians. The act created a Hawaiian Homes Commission to administer certain public lands, called Hawaiian home lands, for homesteads.

The Act was incorporated as a provision in the State Constitution in 1959 when Hawai'i was granted statehood. Responsibility for the Commission and the Hawaiian home lands was transferred to the State at that time. Except for provisions that increase benefits to lessees or relate to administration of the Act, the law can be amended only with the consent of Congress.

HAWAIIAN HOMES COMMISSION

The Commission is composed of nine members: three are residents of the City and County of Honolulu, two are residents of the Hawai'i County (East Hawai'i and West Hawai'i), two are residents of Maui County (Maui and Moloka'i), one resident of Kaua'i County, and the Chairman of the Hawaiian Homes Commission. The Commissioners must be residents of the State for at least three years prior to their appointment and at least four of the members are one-fourth Hawaiian. The governor appoints the Chairman and each Commissioner to a four-year term.

The Commission meets at least once a month. The Commission must also meet once a year on the islands of Kaua'i, Hawai'i, Moloka'i, and Maui, and at various homestead communities on each island as practicable.

OVERVIEW OF THE DEPARTMENT

The primary responsibilities of the Department of Hawaiian Home Lands are to serve its beneficiaries and to manage its extensive land trust. The land trust consists of over 200,000 acres on the islands of Hawai‘i, Maui, Moloka‘i, Lāna‘i, O‘ahu, and Kaua‘i.

DHHL provides direct benefits to native Hawaiians in many ways. Beneficiaries may receive 99-year homestead leases at \$1 per year for residential, agricultural, or pastoral purposes. These leases may be extended for an aggregate term not to exceed 199 years. Beneficiaries may receive financial assistance through direct loans, insured loans, or loan guarantees for home purchase, construction, home replacement, or repair.

In addition to administering the homesteading program, DHHL leases trust lands not in homestead use at market value and issues revocable permits, licenses, and rights-of-entry. The income from these enterprises is used to supplement DHHL’s programs, including continued homestead development.

DHHL provides its beneficiaries more services through a variety of community and individual empowerment initiatives, including the Native Hawaiian Development Program (NHDP), Home Owner Assistance Program (HOAP), and the Hawaiian Homes Commission Scholarships.

Five Offices Provide Support Services to the Department

The Office of the Chairman (OCH) manages the daily operations of the Department, sets directions, and provides leadership support to all DHHL offices and divisions. Additionally, OCH is responsible for supporting the Commission. The Chairman of the Commission also serves as the Director of the Department. Ph. (808) 586-3801

The Administrative Services Office provides support in the areas of personnel, budgeting, program evaluation, information and communication systems, risk management, facilities management, clerical services and other administrative services. This office also provides support services in preparation of legislative proposals and testimonies, coordinates the preparation of reports to the Legislature and facilitates the rule-making process. Ph. (808) 586-3811

The Fiscal Office is responsible for the maintenance of the accounting system that provides administration with timely financial information for evaluating past performance, making current decisions, and planning future operations. The Fiscal Office plans, organizes, and carries out accounting and fiscal activities that support the department’s programs. Ph. (808) 586-3808

The Planning Office is responsible for conducting research and planning studies related to the development of policies, programs and projects benefiting native Hawaiians, as defined under the Hawaiian Homes Commission Act. Additionally, the Planning Office defends the Hawaiian Home Lands Trust and advocates for the restoration of trust claims. The Native Hawaiian Development Program makes awards to non-profit organizations to support community self-determination, provide capacity building, and assist native Hawaiians in education and financial literacy. Ph. (808) 586-3836

The Information and Community Relations Office is responsible for planning, organizing and carrying out public information and community relations programs and projects for the department. It also provides advice and assistance to the Commission and staff on public relations and public information matters. Ph. (808) 586-3840

Three Divisions Carry Out the Department Programs

The Land Development Division develops trust lands for homesteading and income-producing purposes by developing properties for residential, agricultural, pastoral, and economic use. The division carries out these responsibilities through its three operating branches. Ph. (808) 586-3819

The Land Management Division manages those Hawaiian home lands not used for homestead purposes. The Land Management Division manages unencumbered lands to generate revenues and to keep the lands productive while minimizing the occurrence of vegetative overgrowth, squatting, and illegal dumping. The Land Management Branch also conducts studies on land acquisitions and exchanges and provides for the management and disposition of non-homestead lands and properties. Ph. (808) 586-3823

The Homestead Services Division processes homestead applications; manages activities in leasing homestead lots for residential, agricultural, and pastoral purposes. The Homestead Services Division also provides homestead lessees loans and other financial assistance to homestead lessees. This division has four branches that help meet its responsibilities: Ph. (808) 586-3834

The Homestead Applications Branch is responsible for determining the applicant's native Hawaiian qualification, maintaining applicants' records and certifying an applicant's eligibility for residential, agricultural, and pastoral awards. Ph. (808) 586-3830

The Loan Services Branch administers the department's loan origination, loan servicing and loan collection programs. As authorized by the Hawaiian Homes Commission Act of 1920, DHHL provides loans to homestead lessees as mortgage loans, construction loans, home repair loans, and payment of real property taxes. Ph. (808) 586-3827

The District Operations Branch has district offices in West and East Hawai'i, Maui, Moloka'i, O'ahu, and Kaua'i. The function of the District Operations Branch encompasses a variety of services that enable homestead lessees to support their community associations and develop their communities and neighborhoods. Ph. (808) 586-3833

The Housing & Awards Branch constructs houses on unawarded lots and awards houses to financially qualified applicants on the residential waiting lists. Ph. (808) 586-3834

CHAIRMAN

The Chairman is the head of the Department of Hawaiian Home Lands and the Hawaiian Home Lands Commission. The Chairman has full charge of and responsibility for the administration and execution of all actions approved by the Commission. All orders and actions of the Commission are authenticated or signed by the Chairman or the deputy. The Chairman also signs all licenses, leases, loan contracts, contracts with other governmental agencies, and Commission resolutions.

DISTRICT OFFICES

The district offices focus on customer service to native Hawaiian homesteaders. These include facilitating and processing lessee requests for lease conveyances through successorships or transfers, subdivision of homestead lots, home improvement permits, updating lessee files and successorship designations, voluntary surrender of leases and enforcing compliance with the lease terms. The district offices, with the exception of O'ahu, also assist prospective applicants through the application process. Ph. (808) 586-3833

The main office of the Department of Hawaiian Home Lands is located at:

1099 Alakea Street, Suites 2000 & 1200
Honolulu, Hawai'i 96813

The mailing address for the Department of Hawaiian Home Lands and the Hawaiian Homes Commission is:

P.O. Box 1879
Honolulu, HI 96805

The office hours for the Department of Hawaiian Home Lands are:

7:45 a.m. to 4:30 p.m., Monday through Friday

Neighbor island district offices are located as follows:

WEST HAWAI'I DISTRICT OFFICE

Mailing

P.O. Box 125

Kamuela, Hawai'i 96743

Address

64-756 Mamalahoa Highway

Kamuela, Hawai'i 96743

Phone (808) 887-6053

Fax (808) 887-6056

EAST HAWAI'I DISTRICT OFFICE

160 Baker Avenue

Hilo, Hawai'i 96720

Phone (808) 974-4250

Fax (808) 974-4255

KAUA'I DISTRICT OFFICE

3060 Eiwa Street, Room 203

Lihu'e, Hawai'i 96766

Phone (808) 274-3131 or (808) 274-3132

Fax (808) 274-3133

MAUI DISTRICT OFFICE

655 Kaumuali'i Street, Suite 1

Wailuku, Hawai'i 96793

Phone (808) 760-5120

Fax (808) 760-5122

MOLOKA'I DISTRICT OFFICE

Mailing

P.O. Box 2009

Kaunakakai, Hawai'i 96748

Address

600 Maunaloa Highway, Suite D-1

Kaunakakai, Hawai'i 96793

Phone (808) 560-6104

Fax (808) 560-6665

PART TWO

Allowed activities on, and uses of, your homestead lot

INDUSTRIAL ACTIVITIES

Industrial activities are not allowed on homestead lots.

COMMERCIAL ACTIVITIES

Homestead lots may not be used for commercial activities if such activities constitute a nuisance to neighbors, the community, and/or the general public as determined by DHHL and the Commission.

BUILDING REQUIREMENTS

Building structures or improvements may be constructed on homesteads with the written approval from the Department of Hawaiian Home Lands. In order to obtain the necessary approval for building structures and improvements, the lessee must submit a plan as to the design, materials, and probable value and use of the structure to be built on the leasehold.

Building structures or improvements must meet building and zoning codes and other ordinances and regulations of the respective counties. The construction of building structures or improvements need to receive DHHL approval prior to installation.

Although the responsibilities of checking construction plans and issuing building permits are county functions, DHHL plays an integral role within this process. Receiving DHHL approval assures the lessee that, in the event the lease is surrendered or cancelled, the value of all improvements on the property will be appraised and paid to the lessee upon surrender or cancellation.

For more information, advice, or assistance on building requirements, please contact your local District Office.

LEASE TRANSFERS

With the written approval of the Chairman, lessees may transfer their leasehold interest to any qualified native Hawaiian individual who is at least eighteen years old, and who is able to assume any outstanding indebtedness on the lease.

To transfer a lease, the lessee must first complete DHHL's "Lease Transfer Form" (Appendix A) which is available at the local DHHL District Office. The transferrer and the transferee must accurately complete the form with all required information. Once DHHL receives the completed form, DHHL will verify the blood quantum of the transferee. Please keep in mind that the burden of proof for blood quantum belongs to the transferee, and not DHHL. DHHL also checks for any outstanding loans affixed to the leasehold. Once these avenues are cleared, DHHL drafts an "assignment of lease" which the transferrer, transferee, and the Chairman signs respectively.

Keep in mind that the lease transfer process takes time. If information is not submitted accurately, blood quantum is not cleared, or if there are outstanding loan balances, grants, lease rent, real property taxes, or other financial indebtedness on a leasehold, the lease transfer process will be delayed.

TRANSFER A PORTION OF YOUR LEASE (SUBDIVISION)

Lessees can petition the Commission to approve a subdivision of their residential lot and transfer the subdivided portion for the remaining term of the lease to any qualified native Hawaiian individual who is at least eighteen years old. Considerations for subdividing existing lots include zoning and impact on infrastructure. Both lots must conform to county zoning standards.

Prior to any construction occurring, plans for the construction of the house must be approved by the DHHL Chairman. Lessees must obtain the respective county's final subdivision approval as well. Lessees will also need to pay for any costs incurred in the processing and obtaining of the subdivision. This includes, but is not limited to, sewer line, electricity, and water installation. DHHL is not required to finance the construction of the house on the transferred portion.

Please contact your local District Office for additional information if you plan to transfer a portion of your lease.

EXCHANGING LEASES

A lessee may also exchange leases with another HHL lessee, if desired. To exchange leases, both lessees must go the local District Office or DHHL's main office and complete the "Homestead Lease Exchange Request Form" (Appendix B).

OCCUPANCY REQUIREMENTS

The lessee must occupy the residential homestead lot for the duration of the lease. For newly awarded lots, the time period by which a lessee is required to occupy a homestead lot is stipulated in the lease. Normally, this time period is one year from the date of lease signing, unless your lease is an undivided interest award, or states otherwise.

OTHER REQUIREMENTS

Two or more leases

No DHHL lessee may possess 2 or more residential lots. If an existing residential lessee acquires an additional residential lease through successorship, award to the spouse, lease transfer, etc., that lessee must surrender the lease back to DHHL, or transfer the lease to another native Hawaiian applicant or a family member who is not a residential lessee.

Easements

In certain cases, DHHL may need to repair and/or fix utilities or infrastructure in a homestead area. DHHL may allow easements on homestead lots for the construction and repair of utilities. Prior to granting easements, DHHL will notify the lessee, and establish that such easements are for the “public good.”

Reserved rights

DHHL reserves all mineral and water rights to the homestead area, and stewardship over prehistoric and historic artifacts and burials on homestead lands.

If you discover Hawaiian artifacts or burials on your property, please contact your District Office as soon as possible. Please do not disturb or remove the artifact or burial from the ground.

Maintenance and utility service on your lot

Lessees must pay for all utility services on the lot. Homestead lots should be kept in a clean, sanitary, and orderly condition at all times.

Insurance

The lessee’s home must have fire insurance coverage at all times. If you have an outstanding loan, the lender should be named as “additionally insured.”

OTHER USEFUL INFORMATION

Changing a lessee's personal information

Should a lessee change his/her name, mailing address, or Social Security Number, it is vital that the lessee notify the Department of Hawaiian Home Lands to ensure that the lessee's file is updated as well. The lessee should visit the local District Office or DHHL's Main Office to fill out an "Information Change Notification Form" (Appendix C). Once the form is completed, the information stored within the lessee's file will be updated with the new information.

Consent to release information

Lessees may allow family members to utilize the information in the lessee's file to assist them in verifying blood quantum and thereby qualifying family members as DHHL Applicants.

To allow family members to access the lessee's file, the lessee must visit the local District Office or DHHL's Main Office and complete the "Consent to Release of Information Form" (Appendix D).



PART THREE

Mortgage loans

DHHL may make mortgage loans to you for the repair, maintenance, purchase, or construction of homes on Hawaiian home lands.

MORTGAGE LOAN PROGRAMS / OPPORTUNITIES

Mortgage loan programs that are available on homestead lands are either insured or guaranteed. The following programs are available: Conventional FHA 247, 184-A, VA Direct, USDA, Habitat for Humanity, etc.

For more information on available loan opportunities and qualified lenders, please call our Homestead Services Division at (808) 586-3834.

HOME REPAIR LOANS / IMPROVEMENT LOANS

Home Repair Loans are available for needed repairs and improvements to your home. For more information on home repair loans or improvement loans, please call our Loan Services Branch at (808) 586-3827.

DHHL DIRECT / CONSTRUCTION LOANS

DHHL direct loans may be available to lessees who have been declined by mortgage companies. Applicants will be reviewed on a case-by-case basis and must be financially qualified. These loans are approved, serviced, and financed 100% by DHHL. Applications for direct loans are provided by DHHL. Lessees may obtain a direct loan application from their local District Office or the DHHL Honolulu office. All applications can be submitted to DHHL or any district offices of DHHL.

Fees may be assessed for costs incurred by DHHL in the processing of your application.

PAYMENTS

Depending on the type of loan received, monthly payments will be made to the financial institution you borrowed the money from. If you have a direct loan from the DHHL, monthly payments will be made to DHHL. You may deliver your payments to any District Office or the DHHL Honolulu office. You may also mail your payments to the DHHL Honolulu office.

LOAN DELINQUENCIES

Whenever a borrower is more than one hundred twenty days (120) delinquent on direct loan repayments, the Department may start lease cancellation proceedings as authorized by the Hawaiian Homes Commission Act.

Should you fall delinquent in your direct loan payments, please contact your respective loan officer or your local District Office.

If you have a loan that is insured or guaranteed by the Department and fall delinquent in payments, the loan will be assigned to the Department by the lending financial institution. The Department may start lease cancellation proceedings as authorized by the Hawaiian Homes Commission if the loan delinquency cannot be resolved.

Should you fall delinquent in payments on loans that are insured or guaranteed by the Department, it is important that you contact the financial institution that financed your loan for assistance in curing the delinquency.



PART FOUR

Successorships

DESIGNATION OF A SUCCESSOR

It is very important that homestead lessees file with the Department a “Designation of Successor Form” to identify who they want to succeed to their homestead lease and leasehold interest upon their death.

It is recommended that lessees designate a successor or successors at the time of execution of the lease. The lessee must file the designation in writing at DHHL and DHHL must acknowledge the designation in order for the designation to be deemed filed.

Lessees may designate the following relative or relatives to succeed to the lease:

1. Husband, wife, brother, sister, children or grandchildren who are at least one-quarter Hawaiian; or
2. Father, mother, widows or widowers of the children, widows or widowers of the brothers and sisters, or nieces and nephews who are at least one-half Hawaiian.

Lessees may change the designation of successor or successors at any time. However, the lessee must file the change of designation in writing at DHHL and DHHL must acknowledge the change of designation in order for the change of designation to be deemed filed.

The Department determines whether a designated successor is qualified to be a lessee of Hawaiian Home Lands.

To designate or change a successor, the lessee must go to the local District Office or DHHL main office to fill out the “Designation of Successor Form” (Appendix E). The completion of the form must be witnessed by third parties who are not named on the form. Once the form is completed and signed by the lessee and the witness, the form is signed by the Chairman and ratified by the Hawaiian Home Lands Commission. The “Designation of Successor” form is filed in your lessee file and kept strictly confidential. You, as a lessee, are provided a copy of the “Designation of Successor” form for your personal records.

The Department will process the required documents to convert the lease to an eligible, qualifying successor(s) named in the latest designation form filed with the Department. By operation of law, the designated successor, if qualified, succeeds to the lease without the need for probate of the lessee’s leasehold interest.

DESIGNATING MORE THAN ONE SUCCESSOR

In order to minimize potential family issues in the future, the Department recommends designating one successor. However, lessees may designate more than one successor. There are three types of tenancies:

Joint Tenancy — Designating two or more persons who are equally entitled to an undivided interest in a specific piece of real property with the distinguishing characteristic of the right of survivorship. Thus, upon the death of one of the joint tenants, his or her rights and interest pass to the surviving tenants or tenants without the need for probate proceedings.

Tenancy by the Entirety — Similar to joint tenancy except that the persons must be husband and wife. Upon the death of either, the survivor automatically acquires title to the share of the deceased spouse free and clear of the claims of heirs and creditors of the deceased spouse. If they become divorced, the parties would then become tenants in common.

Tenancy in Common — An estate of land is held by two or more persons, with the outstanding feature that upon the death of one party, his or her share descends to his or her designated successors. A tenant in common holds an estate in land by a separate and distinct title, but with unity of possession.

IF A SUCCESSOR IS NOT DESIGNATED

If a lessee passes away, and has not designated a qualified successor, DHHL will publish a public notice at least once a week for four successive weeks in a newspaper of general circulation in the State. The notice shall state that all persons claiming to be relatives of the lessee qualified to succeed to the lease must present themselves to DHHL with proof of their qualifications within four months from the first day of publication of the notice. These potential successors must complete the “Response to Public Notice - Request to Succeed to Lease Form” (Appendix F).

Those persons failing to present themselves within four months from the first day of publication of the notice shall be forever barred from succeeding to the lease in question.

The Department may select a successor from the following qualified relatives of the deceased lessee:

- First, the surviving spouse who is at least 25% Hawaiian.
- Second, the children who are at least 25% Hawaiian.
- Third, the grandchildren who are at least 25% Hawaiian.
- Lastly, father or mother, widow or widowers of the children, brothers and sisters, widows or widowers of the brother and sisters, or nieces or nephews who are at least 50% Hawaiian.

If no selection can be made, the lease is cancelled. The land subject to the lease shall resume its status as unleased Hawaiian home lands, and the property will be leased to another native Hawaiian.

DESIGNATION OF A PERSON OR PERSONS TO RECEIVE NET PROCEEDS

If the lessee has a spouse or children who do not qualify to succeed to the lease (i.e. less than 25% Hawaiian), the lessee may designate one or more of them to receive the net value of the leasehold improvements. From the appraised value of the leasehold improvements, the Department deducts any debt owed to the Department, debt owed for property taxes, any debt incurred that was guaranteed by the Department, and any debt for which the leasehold was used. The balance is paid to the surviving spouse, child, or children whom the lessee designated. If the lessee designates more than one person to receive the net proceeds, each person will receive an equal portion, unless the lessee designates otherwise by noting the percentage of net proceeds each is to receive.



PART FIVE

Homestead associations

A bonafide homestead community association can apply for membership into the State Council of Hawaiian Homestead Associations (SCHHA) by submitting a letter to the president of the ahupua'a of the island to which the homestead community association is located. Consequently, the president of the ahupua'a will submit a letter of request for membership into the SCHHA to the Chairman. Membership is voted on by SCHHA members at quarterly meetings, special meetings or the SCHHA's annual convention. Membership with the SCHHA is optional.

In 1987, SCHHA was established to provide a mechanism through which homesteaders could effectively voice their mana'o on matters and issues of concern to all homesteaders. Since 1987, the SCHHA has grown and transitioned into a viable statewide homestead community-based organization consisting of 24 organizations representing over 30,000 homesteaders. There are however, several homestead associations that have chosen not be a member of the SCHHA.

The SCHHA is governed by a five-member Executive Council responsible for policy and decision-making. The Executive Council members are the presidents of each Island Council or ahupua'a.

For more information, please call the DHHL main office at 586-3834 or visit SCHHA's website at:
<http://www.schha.com>

DECLARATIONS, COVENANTS, CONDITIONS, AND RESTRICTIONS (DCC&Rs)

In certain homestead communities, a set of rules and guidelines are established for the operation and maintenance of a homestead community. These rules and guidelines are called DCC&Rs.

DCC&Rs help a homestead community to enhance and protect the value, desirability, and attractiveness of the homestead community, create mutual and equitable servitude upon each lessee, and create reciprocal rights and obligations with current and future lessees.

A community association controls and enforces the DCC&Rs to preserve, maintain, enhance and protect the value of property and amenities within a homestead community. The DCC&R, in turn, determines the structure of a community association and establish obligations and responsibilities of its members, elected officers, and directors.

If you reside on a homestead community with established DCC&Rs, membership to the association is required, which may constitute the payment of membership fees. Lessees are responsible for adherence to any provisions set forth in the DCC&Rs, which ensures rights of enjoyment, access and maintenance of common areas, and compliance to specific restrictions.

If an association member fails to comply with any rules set forth in the DCC&Rs, the homestead association's Board of Directors has the right to impose monetary fines upon the lessee for violation of DCC&Rs. Furthermore, the unpaid amount of fines against the lessee shall constitute a lien against the residential lot which may subject to lease cancellation. Should a violation occur, specific policies and procedures are covered in the DCC&Rs regarding due process, violation notification, penalties, and proceedings.

Since DCC&Rs are governed by the community association, the association's Board of Directors has the right to add, revise, or amend any section of the DCC&Rs.

HUI KĀKO'O 'ĀINA HO'OPULAPULA

Hui Kāko'o is a non-profit organization that was formed to provide applicants with an organization to support the applicants' interests during the period they await a lease award.

For more information on Hui Kāko'o, please call the DHHL main office at 586-3834.

PART SIX

Real property taxes

Lessees are required to pay county real property taxes on the eighth year after the award of the residential lot.

The Hawaiian Homes Commission Act provides a seven-year exemption to real property taxes for newly awarded leases. After the exemption period, DHHL lessees are required to pay real property taxes. The real property tax amount varies from county to county. Please check with your respective county for real property tax assessment amounts.

Some counties may impose sanctions for non-payment of real property taxes. Lessees who continue to be delinquent in their payments are subject to substantially greater penalties. Delinquent taxpayers are encouraged to settle their accounts with the Real Property Tax Collection offices of their respective counties to avoid accruing penalty and interest charges.

To contact your Real Property Tax Collection office, please call:

Hawai'i

East Hawai'i (808) 961-8201

West Hawai'i (808) 327-3540

Kaua'i

(808) 241-6222

Maui, Moloka'i and Lāna'i

(808) 270-7297

O'ahu

(808) 527-5511

Lease violations and complaints

Lessees are responsible for maintaining their premises from fire, theft, and vandalism. Lessees must comply with all laws and the requirements of the lease at all times. Also, lessees are responsible for the actions of all persons residing or visiting the lessees' premises.

If a complaint is filed, DHHL has the right to inspect the property to ensure compliance with health and safety standards.

DRUG USE

The Department of Hawaiian Home Lands does not tolerate drug use or drug solicitation on Hawaiian Home Lands. If drug use or drug solicitation is discovered on a leasehold property, the lease for that property may be cancelled. To report any illegal drug activities occurring on Hawaiian Home Lands, please contact your local police department.

TRASH

Lessees must keep the property in a clean, sanitary, and orderly condition. Dumping, improper or offensive use of the property is strictly forbidden.

To report any trash violations, please contact your local District Office. On O'ahu, please contact our Enforcement Branch at (808) 586-3848.

VANDALISM

To report occurrences of vandalism on Hawaiian Home Lands, please contact your local police department as the primary point of contact. Please also notify your local District Office. On O'ahu, please contact our Enforcement Branch at (808) 586-3848.

TRESPASS

To report trespassing on Hawaiian Home Lands, please contact your local police department as the primary point of contact. Please also contact our Enforcement Branch at (808)586-3848.

OTHER LEASE VIOLATIONS

If you witness or are aware of any serious lease violations or criminal activity on Hawaiian Home Lands, please contact your local police department. Please also contact our Enforcement Branch at (808)586-3848.



PART EIGHT

Contested case hearings

Should a situation arise where a lessee is found to be in violation of a State, County, or Federal law; a condition in the lease document; sections 208, 209, 215, or 216 of the Hawaiian Homes Commission Act; or intentional falsification of material information by the lessee on an application for loan forms submitted to the Department, the Department shall request a contested case hearing to resolve the situation or cancel the lease. No lease shall be cancelled without first affording the lessee the right to due process.

Any person or agency (including DHHL) may request a contested case hearing and shall have the right and full opportunity to assert a claim provided that the claim is based on a law or rule over which DHHL has jurisdiction. A contested case hearing will not be held on matters involving a private controversy addressable in the courts and where the public interest is not involved, or where it is clear that there has been no violation of the law or any rule of the Commission.

The contested case hearing allows the lessee an opportunity to protect his or her interests in their lease. A settlement may be proposed at any time before or during a contested case hearing in order to encourage and to provide opportunities for settlement of disputes.

REQUEST FOR A CONTESTED CASE HEARING

The Department prepares a submittal to the Hawaiian Homes Commission recommending that a contested case hearing be held. If the contested case hearing is approved by the Commission, the Department prepares and sends by Certified Mail, the following documents to the Lessee:

- a. Letter from the Chairman notifying the lessee of the scheduled contested case hearing (HH-39).
- b. HH-39A, Notice of Hearing.
- c. HH-39B, Statement of Questions Presented.
- d. HH-39C, Preliminary Statement of Alleged Facts.
- e. Any other papers required by law to be served by the Commission.

CONTESTED CASE HEARING

A hearings officer is designated by the Commission or Chairman to hold a contested case hearing and to make a recommended order in a case. The hearings officer examines witnesses and evidence, issues subpoenas, regulates the course and conduct of the hearing, and makes recommended decisions to the Commission in writing to be acted upon by the Commission.

HEARINGS OFFICER DRAFTS A RECOMMENDED ORDER

The hearings officer who presided at the hearing makes and files a recommended order. All findings, conclusions and orders recommended by the hearings officer are based upon the record and supported by substantial evidence. The order includes separate findings of fact and conclusions of law as well as a rationale based on all the material presented on the record. A copy of the hearings officer's recommended order is served to all parties.

RECOMMENDED ORDER PRESENTED TO COMMISSION

Once the recommended order is filed with the Commission, the Commission grants the lessee an opportunity to speak to the Commission. The Commission will consider the argument(s), evidence, and the findings in the recommended order, and renders its final Decision and Order.

DECISION AND ORDER ADOPTED BY THE COMMISSION

The Decision and Order is the formal document stating the Commission's decision. The Commission may cancel a lease in a Decision and Order or allow a lease to continue pending certain terms and conditions.

If the Decision and Order calls for the cancellation of a lease, the document will set the terms in which a lessee must vacate the premises.

If the Decision and Order allows a lease to continue pending certain terms and conditions, the document will set the terms and conditions that the lessee must abide by. Should a lessee not abide by the terms and conditions set in the Decision and Order, the lease will be cancelled.

Once the Commission has rendered its Decision and Order, the Department will have the responsibility for monitoring the lessee's compliance to the Decision and Order.

SURRENDER

For whatever reason, a lessee may surrender his/her lease back to DHHL. The lessee's intent to surrender the leasehold must be done in writing. Also, a "Lease Rescission and Surrender Form" (Appendix G) must be completed. DHHL will forego acceptance of a surrender until a new lessee is found and it is determined by the Department that sufficient funds are available to meet the payments required. At all times until acceptance of surrender, the lessee will remain responsible for the leasehold and any improvements thereon, and shall remain responsible for all taxes, assessments and charges of whatever kind and nature.

Upon the cancellation or surrender of a homestead lease, if DHHL determines that any structure on the premises is in such disrepair that demolition of the structure is required, the lessee shall be allowed to sell the structure within ninety days from the date of the cancellation or acceptance of surrender. Any proceeds from the sale of the structure will be first used to satisfy any indebtedness to the Department, taxes, or any other indebtedness the payment of which has been assured by the DHHL, or any costs incurred by the DHHL for upkeep and cleaning of the leased premises. If the lessee does not sell or remove the structure, DHHL may demolish the structure.

ABANDONED LOTS

If a lessee has abandoned a Hawaiian Homestead lot by failing to use or occupy the premises or cannot be located after at least two attempts to contact the lessee by certified mail, DHHL may cancel the lease. DHHL will publish a public notice for four successive weeks in a newspaper of general circulation in the State. The notice shall direct the lessee to present himself or herself to DHHL within one hundred twenty days from the first day of publication of the notice. In addition, DHHL shall post a public notice on the abandoned lot. **If the lessee cannot be located, the lease may be cancelled.**

APPRAISALS

If a lessee surrenders his/her lease, or if a lessee dies leaving no one qualified to be successor, or if the Department is unable to designate a successor, or if the Department cancels a lease, DHHL will appraise the value of the improvements to compensate the appropriate recipient or the previous lessee. The amount of compensation will be determined by the appraisal value less the following:

1. Any indebtedness to the Department;
2. Taxes;
3. Any other indebtedness verified by the Department;
4. Any costs incurred by the Department for the upkeep and cleaning of the leased premises; and
5. Any costs incurred by the Department for the removal of any crops or improvements.



PART NINE

Appendix

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APPENDIX A: Lease Transfer Form

HOMESTEAD LEASE TRANSFER REQUEST	
<p>I/We _____, the undersigned lessee(s) request(s) to <input type="checkbox"/> transfer, <input type="checkbox"/> subdivide and transfer a portion of, my/our residential/agricultural/pastoral (circle one) Lease No. _____, on Lot No. _____, located at _____ on the island of _____, TMK: _____, _____ ac(s)/sq. ft. to our/my _____ (Relationship and name)</p>	
<p>REASON FOR TRANSFER: _____</p>	
<p>RESERVATION OF LIMITED LIFE INTEREST</p> <p>I/We understand that a Limited Life Interest may be retained in this lease. This means that as long as this lease is in effect, I/we have the right of occupancy of the homestead. Should I/we choose to retain this interest and the lessee decides to obtain FHA home financing, I/we are aware that I/we will be required by the lender to apply and sign for the FHA home loan.</p> <p> <input type="checkbox"/> I/We choose to retain life interest in my/our lease. <input type="checkbox"/> I/We do not choose to retain life interest in my/our lease. </p> <p>I/we declare that I/we do this of my/our own free will and choice.</p> <p>Note: A real property tax clearance from the county tax office must be provided prior to the approval of this transfer.</p>	
<p>Lessee #1: _____ (Signature)</p> <p>Date of Request: _____</p>	<p>Lessee #2: _____ (Signature)</p> <p>Date of Request: _____</p>
LESSEE(S) INFORMATION	
<p style="text-align: center;"><u>LESSEE #1</u></p> <p>Name: _____</p> <p>Mailing Address: _____ Street/Apt No. City, State, Zipcode</p> <p>Telephone No.: _____ Residence Business</p> <p>Social Security No.: _____</p> <p>Date of Birth: _____</p> <p>Yr. Home Constructed/No. of Bedrooms: _____ / _____</p> <p>Lender/Mortgage Balance: _____ / \$ _____</p>	<p style="text-align: center;"><u>LESSEE #2</u></p> <p>Name: _____</p> <p>Mailing Address: _____ Street/Apt No. City, State, Zipcode</p> <p>Telephone No.: _____ Residence Business</p> <p>Social Security No.: _____</p> <p>Date of Birth: _____</p> <p>Lease sold? YES / NO If yes, sale price: \$ _____ (please circle one)</p>
TRANSFeree INFORMATION	
<p style="text-align: center;"><u>TRANSFeree</u></p> <p>Name: _____</p> <p>Are you an Applicant/Lessee with DHHL? Yes / No</p> <p>Mailing Address: _____ Street/Apt No. City, State, Zipcode</p> <p>Telephone No.: _____ Residence Business</p> <p>Social Security No.: _____</p> <p>Date of Birth: _____</p> <p>Employer: _____</p> <p>Date Employed: _____</p> <p>Position: _____</p>	<p style="text-align: center;"><u>SPOUSE</u></p> <p>Name: _____</p> <p>Are you an Applicant/Lessee with DHHL? Yes / No</p> <p>Mailing Address: _____ Street/Apt No. City, State, Zipcode</p> <p>Telephone No.: _____ Residence Business</p> <p>Social Security No.: _____</p> <p>Date of Birth: _____</p> <p>Employer: _____</p> <p>Date Employed: _____</p> <p>Position: _____</p>
<p style="text-align: right;">Signature of Transferee: _____</p> <p style="text-align: right;">Date _____</p> <p style="text-align: right; font-size: small;">DHHL FORM 00052 Created 2/1993 (rev. 11/1999)</p>	

HOMESTEAD LEASE EXCHANGE REQUEST

We, _____ holder of (circle one) Res/Agr. Pas.

REASON FOR EXCHANGE: _____

Date of Request: _____ Date of Request: _____

LESSEE (1)

Name (Print) _____

<i>Social Security No.</i>	<i>Date of Birth</i>
----------------------------	----------------------

Street/Mailing Address

City, State, Zip Code

Telephone (Res.)	(Work)
------------------	--------

Employer

Date Employed	Position
---------------	----------

YES/NO

Are you an applicant with DHHL?

Name of Spouse

Spouse's Social Security No. _____ Date of Birth _____

Spouse's Employer

No/Age of Children

Yr. Home Constructed/No. of Bedrooms

YES/NO

Cash Exchanged

\$

Amount

From/To

LESSEE (2)

Name (Print) _____

Social Security No.	Date of Birth
---------------------	---------------

Street/Mailing Address

City, State, Zip Code _____

Telephone (Res.) _____ (Work) _____

Employer

Date Employed	Position
---------------	----------

YES/NO

Are you an applicant with DHHL?

Name of Spouse

Social Security No.	Date of Birth
---------------------	---------------

Spouse's Employer

No./Age of Children

Yr. Home Constructed/No. of Bedrooms

FORM - HOMESTEAD LEASE EXCHANGE REQUEST
HHL FORM 00065 Created 10/1992 (rev. 12/1999)

APPENDIX C: Information Change Notification Form

DHHL TIME STAMP

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
INFORMATION CHANGE NOTIFICATION FORM**

Please print in black point pen

PLEASE CHECK WHERE APPROPRIATE.

Please make changes to my:

☐ Mailing address
Date effective: _____

☐ *Name (*must produce necessary documents*)
Date effective: _____

☐ **Social Security No.
Date effective: _____

****Submit Marriage Certificate, Name Change Decree or Divorce Decree***

****Submit Photocopy of ID**

My current homestead status with DHHL is: ☐ Applicant ☐ Lessee ☐ Applicant & Lessee

OLD INFORMATION

The following information must be completed.

Social Security No.: _____ Day Phone No.: _____

Name: _____

Last Name *MI* *First Name*

Address: _____

Street	Apt. No.	City	State	Zip code

NEW INFORMATION

Please fill out only information that needs to be changed.

Social Security No.: _____ Day Phone No.: _____

Name: _____

Last Name *MI* *First Name*

Address: _____

Street	Apt. No.	City	State	Zip code

Applicant/Lessee signs: _____

Signature *Date*

Staff acknowledges: _____

Signature *Date*

Remarks: _____

Oahu, call for Department's Delivery Address or Mail or Fax to:

DHHL, Homestead Services Division, P. O. Box 1879, Honolulu, HI 96805

Neighbor Islands, call for Department's Delivery Address or Mail or Fax to:

DHHL, East Hawaii District Office, 160 Baker Ave., Hilo, HI 96720

DHHL, Kauai District Office, 3060 Eiwa St., Rm. 203, Lihue, HI 96766-1886

DHHL, Maui District Office, 655 Kaunualii St., Suite 1, Wailuku, HI 96793

DHHL, Molokai District Office, P.O. Box 2009, Kaunakakai, HI 96748

DHHL, West Hawaii District Office, P.O. Box 125, Kamuela, HI 96743

Telephone #/Fax #

586-3834/586-3835

974-4250/974-4255

274-3131/274-3133

760-5120/760-5122

567-6104/567-6665

887-6053/887-6056

HHL Form 00061 Created 7/199 (rev 4/2002)

APPENDIX D: Consent to Release of Information Form

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
CONSENT TO RELEASE OF INFORMATION

Please print in ballpoint pen

NAME: _____
First Name MI Last Name

SOCIAL SECURITY NO.: - - -

TYPE OF FILE (please check where appropriate)

☐ APPLICATION FILE

☐ LESSEE FILE

(Please check where appropriate or print name(s) of individual(s) you wish to permit access to your records)

I hereby agree and consent to the use of such personal information about me and my family within my application/lessee file by the Department of Hawaiian Home Lands or any of its office to assist:

☐ ALL MY FAMILY

☐ MY SPOUSE

☐ NAME(S) OF INDIVIDUAL(S)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

APPLICANT/LESSEE SIGN: _____
Signature Date

Have you notified the department in writing of any recent change in your address? ☐ Yes ☐ No
If No, write in:

New Address: _____
Street Apt. No. City State Zipcode

New Phone No.: _____ Date effective: _____
Residence

Signature Date

Consent to Release Of Information Form
HHL Form 00038, Revised (12/1999)

APPENDIX E: Designation of Successor Form

DESIGNATION OF SUCCESSOR TO HAWAIIAN HOME LANDS HOMESTEAD LEASE					
Lease Number _____		Lot Number _____		Homestead Area _____ Island _____	
Homestead Type: <input type="checkbox"/> Residence <input type="checkbox"/> Agriculture <input type="checkbox"/> Pastoral					
Mailing Address _____		City _____ State _____ Zip code _____		SSN _____	
<p>I, _____, state that I am the lessee of the Department of Hawaiian Home Lands homestead lease identified above, and being of sound mind, and of my own free will, I make the following designations:</p> <p><i>(If no designation is made in Part A, write in None)</i></p>					
PART A. DESIGNATION OF PRIMARY SUCCESSOR OR SUCCESSORS. I designate the following person or persons to succeed to my lease and leasehold interest upon my death.					
Name	Address	SSN	Birthdate	Relationship	
Please check the appropriate box(es) if more than one person is designated: <input type="checkbox"/> JOINT TENANCY <input type="checkbox"/> TENANCY BY THE ENTIRETY (Husband and Wife) <input type="checkbox"/> TENANCY IN COMMON					
<p><i>(If no designation is made in Part B, write in NONE)</i></p> PART B. DESIGNATION OF ALTERNATE SUCCESSOR OR SUCCESSORS. If the person (or persons) designated in Part A above does not (or do not) choose to succeed to my lease and leasehold interest, or cannot qualify as my successor, then I designate the following person or persons to succeed to my lease and leasehold interest upon my death.					
Name	Address	SSN	Birthdate	Relationship	
Please check the appropriate box(es) if more than one person is designated: <input type="checkbox"/> JOINT TENANCY <input type="checkbox"/> TENANCY BY THE ENTIRETY (Husband and Wife) <input type="checkbox"/> TENANCY IN COMMON					
<p><i>(Only spouse of children who have less than 25% Hawaiian blood quantum can be designated in Part C. Part C applicable only if successors named in Part A and B do not qualify or renounce successorship)</i></p> PART C. DESIGNATION OF PERSON OR PERSONS TO RECEIVE NET PROCEEDS. I designate the following person or persons to receive the net proceeds of my leasehold interest upon my death. I understand "net proceeds" to mean the appraised value of my leasehold improvements and growing crops, if any, less any indebtedness to the Department, or for property taxes, or any other indebtedness incurred by me the payment of which has been assured by the Department. If more than one person have been designated as my successor to receive the net proceeds, each person shall receive an equal portion, share and share alike, except as otherwise noted.					
Name	Address	SSN	Birthdate	Relationship	% of Net Proceeds
ALL DESIGNATIONS ARE SUBJECT TO VERIFICATION OF HAWAIIAN BLOOD QUANTUM					
I hereby revoke any previous designations filed with and approved by the Department of Hawaiian Home Lands: (Signature must be witnessed by two (2) persons not named as successors.)					
Signature of Lessee _____		Date _____			
Signature of Witness _____		Date _____			
Print Name of Witness _____		Date _____			
Signature of Witness _____		Date _____			
Print Name of Witness _____		Date _____			
<div style="border: 1px solid black; padding: 5px;"> Staff: _____ Date acknowledged: _____ By or for Administrator, Homestead Services Division Date Approved: _____ By or for Chairman, HHC Date Ratified by HHC: _____ </div>					
See reverse for instructions					

RESPONSE TO PUBLIC NOTICE - REQUEST TO SUCCEED TO LEASE

I, _____ being a
(Last name, First name)
 qualified/blood relative of _____
(Last name, First Name)
 deceased lessee, who died without naming a qualified successor to his or her lease, hereby submit
 this written request to succeed to the leasehold interests, pursuant to Section 10-3-63, Notice to
 Successors.

I understand that a lessee may name a qualified successor to his or her leasehold interests
 upon death. However, upon the death of a lessee who dies without designating a successor, the
 Hawaiian Homes Commission is authorized to either cancel the lease or continue the lease by
 designating a qualified successor, pursuant to Section 209 of the Hawaiian Homes Commission
 Act and Section 10-3-63 of the Administrative Rules.

I further understand that requests for succession to the leasehold interests must be made to
 the department within four (4) months from the first day of publication notice or be forever barred
 from succeeding to the lease in question.

DATE OF DEATH: _____
(Death Certificate Attached)

MY RELATIONSHIP TO DECEASED: _____
(My Birth Certificate Attached)

REQUESTER'S INFORMATION	
ADDRESS: _____	_____
<small>Street</small>	<small>Apt. No. City Zip code</small>
SOCIAL SECURITY NO.: _____	PHONE NO.: _____
<small>(Please check or circle where appropriate)</small>	
MY CURRENT HOMESTEAD STATUS WITH DHHL IS:	
<input type="checkbox"/> APPLICANT.	<input type="checkbox"/> LESSEE.
<input type="checkbox"/> APPLICANT & LESSEE.	
#1 HOMESTEAD: <input type="checkbox"/> APPLICATION.	<input type="checkbox"/> LEASE, LEASE NO: _____
TYPE: Residential / Agricultural / Pastoral	
ISLAND: Hawaii / Kauai / Maui / Molokai / Oahu	
AREA: _____	
#2 HOMESTEAD: <input type="checkbox"/> APPLICATION.	<input type="checkbox"/> LEASE, LEASE NO: _____
TYPE: Residential / Agricultural / Pastoral	
ISLAND: Hawaii / Kauai / Maui / Molokai / Oahu	
AREA: _____	

REQUESTER SIGN: _____
Signature Date

WITNESSED BY: _____
Signature Date

DHHL Form 00679 (8/95)

APPENDIX G: Lease Rescission and Surrender Form

5034D

Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, Hawaii 96805

Dear Sirs:

SUBJECT: Rescission of Lease Award

_____ I WISH TO RESCIND MY HAWAIIAN HOMELANDS LEASE. The lot will be returned to the department's inventory to be offered to the next eligible applicant. My application will be reinstated to the waiting list according to my original applicaiton date.

_____ I WISH TO SURRENDER MY LEASE. I am aware that I surrender the lot at no value. The lot will be returned to the department's inventory and offered to the next eligible applicant on the waiting list.

LEASE NO. _____ LOT NO. _____

AREA _____ ISLAND _____

Lessee's Name Social Security Number

Lessee's Signature Phone

Address City State Zip Code



DEPARTMENT OF HAWAIIAN HOME LANDS

OFFICE

1099 Alakea Street, Suite 2000 & Suite 1230
Honolulu, HI 96813

MAILING

P.O. Box 1879
Honolulu, Hawai'i 96805

PHONE

808-586-3800

WEB SITE

www.hawaii.gov/dhhl